

Remarks

Applicants' previous response, which remains entirely pertinent, may be summarized briefly, thus:

1. Neither Mikkonen nor Das, whether individually or in combination, teach each of the limitations of claim 1. In particular, neither Mikkonen nor Das individually or in combination teach that mobility related dynamic address variation facility is used in response to a non-mobility related requirement. (For the record, this is not an exhaustive list of what Mikkonen or Das fail to teach.)
2. Thus, the modification of Mikkonen by Das cannot result in the arrangement of the present invention since neither teaches at least the above claim feature.
3. In any event, the skilled addressee would not be motivated or find suggestion to combine Mikkonen with Das.
4. Accordingly, claim 1 (and all remaining pending claims since they contain similar features) are patentable over Mikkonen and Das.

In the latest office action, the Examiner responds to the above arguments by adding a third prior art reference, Ahmed (US Patent No. 6,735,202), to the rejection under 35 USC 103(a). Thus, it appears that the Examiner accepts the Applicants' previous argument or at least can find no argument in response.

The Examiner will presumably be aware that in order to establish a *prima facie* case of obviousness, three basic criteria must be met:

1. There must be some suggestion or motivation, in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings.
2. There must be a reasonable expectation of success.
3. The prior art references must teach or suggest all the claim limitations.

It is perhaps the first and second of these criteria that most clearly distinguish between impermissible hindsight reasoning and a genuine *prima facie* case of obviousness. In particular, it is the requirement for there to be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine reference teachings that ensures that the allegation of obviousness is not simply using the claims of the present invention to identify and then artificially weave prior art references together.

By adding Ahmed to the mix, Applicants believe the Examiner is even more clearly indulging in impermissible hindsight reasoning by attempting to weave three references together without identifying any proper suggestion or motivation to do so. The Examiner's argument on obviousness is laid out at page 4 of the latest office action and is repeated below:

"It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of, "to support use of second address to identify the first node instead of the first address". This capability can be implemented by combining the system as taught by Das's '036 and Ahmed's system. The suggestion/motivation to do so would have been to provide quality of service in wireless network and thus support mobility."

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The Applicants remind the Examiner that the first criteria requires that there must be some suggestion or motivation to combine reference teachings. What the Examiner has provided is an extremely broad and poorly defined objective "to provide quality of service in wireless network and thus support mobility" which is

- a) hard to understand
- b) of such breadth and ill defined scope as to provide no suggestion or motivation to do anything specific, and
- c) appears to be wholly unrelated to the specific teachings in the three prior art references that the Examiner is attempting to argue one skilled in the art would combine.

In short, it is a wholly inadequate argument in respect of the first criteria. If the Examiner seriously intends to continue this line of reasoning he is requested to clearly identify specific passages in the prior art references, or teachings that would be common general knowledge to one skilled in the art, which would suggest or motivate the combination of those specific features in each of the prior art references that the Examiner relies upon.

It is also noted that the Examiner has failed to provide any argument at all that one skilled in the art would find a reasonable expectation of success in attempting to combine the specific features relied upon by the Examiner. Thus, if the Examiner seriously intends to continue this rejection, he is requested to address this criteria. In the absence of providing this argument, the Examiner will have failed to establish a *prima facie* case of obviousness.

The third criteria for establishing a *prima facie* case of obviousness is that the prior art references when combined must teach or suggest each and every one of the claim limitations. By adding Ahmed to the mix, the Examiner appears to have accepted that neither Mikkonen nor Das teach the claim feature of "wherein the

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communications protocol is arranged to use the dynamic address variation facility... in response to a non-mobility related requirement...".

However, Ahmed also fails to disclose this feature. The title of Ahmed is "Mobility Management Techniques for use in an internet protocol-based multimedia mobile network. Thus, from the very outset one skilled in the art would appreciate that Ahmed is concerned with mobility management in a mobile network. Furthermore, the abstract makes it clear that the invention is directed to "mobility management" and "location management". Turning to the specific passage cited by the Examiner in column 2 lines 30-44, even this passage makes it abundantly clear that the trigger for changing the temporary location IP address assigned to the mobile user station is "when the station becomes associated with another network node of the communication system". In Ahmed, when a mobile user station becomes associated with another network node of the communication system (i.e. when a mobile station is handed off from one base station to another base station in the mobile network) then the step of changing the temporary location IP address is performed. It is absolutely clear that this is yet another example of a mobility-related requirement. Thus, clearly there is no disclosure of using the dynamic address variation facility "...in response to a non-mobility related requirement...".

In summary, even with the addition of Ahmed to the mix of prior art references combined by the Examiner, not all of the claim features are taught. In particular, a very key feature of the present invention is the "reuse" of a dynamic address variation facility for managing mobility in response to a non-mobility related requirement. None of the prior art references disclose this feature.

In conclusion, the Examiner has entirely failed to substantiate a *prima facie* case of obviousness. The Examiner has failed to provide a sufficient argument why one skilled in the art would combine the three prior art references he relies on. The Examiner has failed to address the issue of reasonable expectation of success at all.

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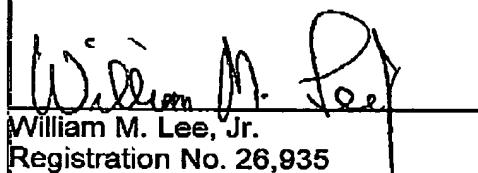
Moreover, despite having issued four actions on this case to date the Examiner has still been unable to provide any prior art reference which teaches a key feature of all of the claims.

The Examiner will see from the tone of this response that Applicants are becoming exasperated with the examination process. Accordingly, if the Examiner still believes that the invention is obvious over the prior art references cited, he is kindly requested to contact the undersigned to arrange for a telephone interview in which these matters can be discussed in a more suitable way. Failing that, Applicants will have no option other than to appeal.

Applicants request further, reasonable and favorable reconsideration of the application.

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Respectfully submitted,



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